

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:03-cr-118-SEB-MJD-01

v.

DAVID LYNN MOORE

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of the defendant the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion is:

DENIED.

DENIED WITHOUT PREJUDICE.

OTHER:

FACTORS CONSIDERED: See attached opinion.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 1:03-cr-00118-SEB-MJD
)
)
DAVID LYNN MOORE,) -01
)
)
Defendant.)

ORDER

Defendant has filed a motion seeking compassionate release. Dkt. 3. He seeks immediate release from incarceration. He argues that "extraordinary and compelling reasons" support his release within the meaning of 18 U.S.C. § 3582(c)(1)(A)(i) because he has various medical conditions that place him at risk of having a severe illness if infected with COVID-19 and he cannot adequately protect himself from being infected while incarcerated. *See, e.g.*, dkt. 13.

After Defendant's motion became ripe, the U.S. Court of Appeals issued its opinion in *United States v. Broadfield*, 5 F.4th 801 (7th Cir. 2021). Based on the rationale of *Broadfield*, the Court then ordered Defendant to show cause why his motion for compassionate release should not be denied because the COVID-19 pandemic no longer presents an extraordinary and compelling reason for his release. Dkt. 18. The Court warned Defendant that it would deem his motion abandoned and deny it without prejudice if he failed to respond as required by the Order. *Id.* The deadline for responding to the Court's show-cause Order has now passed. *See* dkt. 20. As of the writing of this Order, Defendant has not filed the required response.

Accordingly, Defendant's motion for compassionate release, dkt. [3], is deemed abandoned and **denied without prejudice**. Nothing in this Order prevents Defendant from filing another motion for compassionate release.

IT IS SO ORDERED.

Date: 9/20/2021

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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All Electronically Registered Counsel